

REDMOND PLANNING COMMISSION MINUTES

November 10, 2004

COMMISSIONERS PRESENT: Chairperson Snodgrass, Commissioners Allen, Dunn, McCarthy, Parnell, Petitpas, Querry

STAFF PRESENT: Lori Peckol, Cathy Beam, Judd Black, Rob Odle, Terri Shirk, Redmond Planning Department

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chair Snodgrass in the Public Safety Building Council Chambers.

APPROVAL OF THE AGENDA

APPROVAL OF MEETING SUMMARY

A. October 27, 2004

The minutes as written were approved by acclamation.

ITEMS FROM THE AUDIENCE

Mr. Redmond Sharp, 14005 NE 77th Street, called to the attention of the Commission the intersection at 80th and 140th NE and said there is still an issue for traffic heading eastbound; the curvature of the street, and the position of a large power pole, block the view of cars speeding down Redmond Road and heading south on 140th NE. There have been at least two severe accidents since the road was finished. The only solution is the one recommended in the document; it should be given serious consideration.

PUBLIC HEARING AND STUDY SESSION

Update of the Natural Environment sections of Redmond's Comprehensive Plan and Community Development Guide

Chair Snodgrass opened the public hearing.

Principal Planner Cathy Beam entered three letters into the record: one from Terri Lavender dated November 8; one from the Washington State Department of Ecology dated November 10; and one from John Mauro of Livable Communities dated November 8th.

Ms. Beam explained that the proposal involves updating the Conservation and Natural Environment Element of the Comprehensive Plan and the Sensitive Areas Ordinance and relevant definitions in the Community Development Guide. The updates are required by state law in order to incorporate best available science. Overall, the city's regulatory strategies will not change with regard to environmental protection. The environmental regulations will be restructured to be made more user friendly, and the environmental maps will be updated.

With regard to best available science, Ms. Beam noted that in 1995 the Legislature added a section to the Growth Management Act requiring all jurisdictions to use what is called reliable scientific information. In 2000 the Office of Community Development published an administrative rule that explains what best available science is, how to obtain it, how to include it in updates, and what to do in the absence of available scientific information.

There are five types of critical areas covered by the environmental update: 1) fish and wildlife habitat conservation areas; 2) wetlands; 3) frequently flooded areas; 4) critical aquifer recharge areas; and 5) geologically hazardous areas. All designated critical areas must be designated and mapped, and jurisdictions must adopt development regulations to protect them. The regulations must contain appropriate and specific criteria and standards in order to ensure their protection.

Ms. Beam said the proposed revisions use language that parallels state law. The proposal includes a new wetland classification system that is consistent with the model ordinance released by the Department of Ecology. The wetland buffer widths are proposed to be increased, and the wetland mitigation replacement ratios are set to be modified in line with the model code. In addition, a new stream classification is proposed along with increased stream buffer widths based on best available science.

The fish and wildlife habitat conservation areas are proposed to be defined per state law. That will mean elimination of the term "critical wildlife habitat" currently used in Redmond regulations. A process to identify species of local importance and concern is proposed.

The reasonable use provisions apply to properties that are largely encumbered with critical areas. The provisions allow for some reasonable use of such properties. Revisions to the reasonable use provisions are anticipated.

Ms. Beam said the proposed environmental update may be ready for adoption around the latter part of the first quarter of 2005.

Mr. Redmond Sharp, 14005 NE 77th Street, said much of the Grass Lawn area serves as a drainage area for a series of aquifers. The area was developed over the years using methods that have not always protected the wetlands. One of the largest issues facing the city is how to handle the wetland areas in the future. To the east of Willows Road steps are being taken to correct the watershed of Peters Creek at a cost of some \$3.5 million. If development is allowed to continue without control in the upper part of the area, the

result will be a dry wash. Development of the Verizon property is a case in point. A plan has been developed, but it does not take care of the water that will come off the property by letting it flow where it used to flow. In developing policy language, the Commission should keep in mind the big picture.

Mr. John Mauro representing Livable Communities Coalition of 1617 Boylston Avenue, Suite 20, Seattle, allowed that the proposed draft is a long way down the road toward improvement over the current code. Over time development within the city has created considerable damage in some areas, so to some extent the city must play catch-up. The issues are of vital importance and the city has an opportunity to enrich the lives of its citizens. The overall goal of achieving no net loss of wetland areas is excellent. He indicated support for the proposed increased wetlands buffers and adopting new rating systems. There are significant exemptions for wetlands smaller than 2500 square feet, and cumulatively smaller than 10,000 square feet; there is no scientific basis for exempting wetlands impacts for any particular size without an analysis of the cumulative effects, and there is no scientific basis for exempting isolated wetlands from regulations. Support was indicated for the buffer averaging approach; simply reducing buffer size will do little to protect critical areas. Mitigation sequencing is a tool the city should consider using. Alterations to Type II wetlands should be prohibited, except by reasonable use.

Chair Snodgrass asked what was meant by "...an analysis of the cumulative effects..." in determining if a wetland of any size should be exempted. Mr. Mauro said most development requires a critical area report. A thorough examination of the cumulative impacts should be made in that many small impacts taken together add up to large impacts.

With regard to stream and riparian area protections, Mr. Mauro suggested that the stream buffers are too narrow to provide adequate protection. The buffers are not in line with state law and should be revised in line with the recommendations of the Department of Ecology. The no net loss language should be incorporated into the policies related to streams. The current minimum size for stream buffer averaging is too small; it should be greater than 25 feet according to the state. The new lettering system used by the Department of Natural Resources for streams should be incorporated for the sake of consistency. The issue of tree retention should be clearly linked to the critical areas ordinance. The things the state recommends protecting when it comes to wildlife habitat conservation areas should be incorporated in the language. To prevent critical areas impacts, there must be a financial deterrent in the form of significant penalties. In every instance the city should err on the side of caution.

Commissioner Parnell asked if mitigation should occur prior to, at the time of, or after development. Mr. Mauro said the state strongly recommends mitigation before any impacts occur so that no net loss can be achieved.

Commissioner McCarthy allowed that Category IV Wetlands are those that are intentionally created, and as such are required to have no buffer. He asked Mr. Mauro if he would prefer to see a requirement for a 100-foot setback from all drainage ditches.

Mr. Mauro said artificially created wetlands are not really wetlands, unless they were created for mitigation. Drainage ditches do not have the same functions and values and as such are not in need of protection.

Ms. Terri Lavender, 17304 208th Avenue NE, Woodinville, said she is generally impressed with the proposed update; it represents a large improvement over the current approach. There are some areas that could be improved, however. In urban settings, stream buffers and riparian corridors are usually all that is left; the upland areas are generally obliterated with paving and development. In most instances such areas are small and inadequate to function properly. A reasonable use exception all too often becomes the norm when the next property owner in line seeks the same allowance. Redmond is a city with a strong environmental ethic; it has all the amenities of an urban area yet still has a natural salmon run going right through the middle of it. The buffers should be left wide enough so that over time there will be ribbons of old growth forest winding through the city protecting the streams.

Mr. Clint Peoples, 22820 NE 64th, spoke in support of the proposed ordinance. He allowed that the city has accomplished a great deal with respect to environmental protections over the last 15 years. There is always the concern that new Councils will think the current codes are too restrictive and elect to take steps backwards. As new policies and regulations are drafted, there will always be opposition from property owners and developers. Their concerns should be taken into consideration, but errs should always be made on the side of protections. Mistakes have been made over the years that have not benefited the environment, and in some instances the mistakes have been detrimental to property owners. The city should accept that there will be criticisms offered and should hold the line and move ahead with developing clear protections.

Mr. Bob Yoder, 10019 169th Avenue NE, suggested that the proposed ordinance should have been enacted prior to the recent building boom. In many ways the development of the policies and regulations are a reaction to the construction industry rather than to the people who live in Redmond. The public is often confused by signs announcing development. Consideration should be given to having special proposed land use bulletins just for sensitive areas. All survey maps should be up to date as a means of preserving trees. The sizes of buffers should be carefully considered. As densities increase with new development, the city should be as concerned about “inward” sprawl as it is about “outward” sprawl. Over time it will just get worse, so regular updates to the policies and regulations should be made.

Chair Snodgrass closed the public hearing.

Principal Planner Lori Peckol suggesting holding comment on the policies to the next meeting and focusing on the identified regulations issues.

Answering a question asked by Chair Snodgrass, Ms. Beam said the term “substantial improvement” is defined in the definition section of the Community Development Guide. A substantial improvement is defined as any repair, reconstruction or improvement of a

structure, the cost of which equals or exceeds 50 percent of the market value of the structure.

With regard to mobile and manufactured homes, Chair Snodgrass noted that there is a requirement for compliance with standards in instances where 50 percent of the value of streets or utilities are repaired. He pointed out that there is no such requirement in the current regulations. Ms. Beam said the change came about at the request of Federal Emergency Management Agency. Any development event related to a mobile or manufactured home will trigger compliance with flood hazard standards.

Ms. Beam noted that on page 49 of the proposed regulations the term “buffers” should be “setbacks” instead. Chair Snodgrass asked about use of the term “shall be in most cases” and Ms. Beam said the phrase is used because of the option in the Community Development Guide for reducing the setback to 15 feet from the standard 25 to 50 feet. Chair Snodgrass pointed out that because the option is spelled out in the next paragraph, the term “in most cases” should not be used at all.

Development Review Manager Judd Black agreed that the term “setback” should be defined as it relates to landslide hazard areas. Typically, no disturbance of any kind is allowed in a setback, with the exception of vegetation removal and replacement.

Chair Snodgrass said his interpretation of what a setback is for when associated with a geologically hazardous area is a space at the base onto which debris can slide without hurting anyone or any structure. Ms. Beam pointed out that runoff at the top of the slope is also a concern. Chair Snodgrass commented that use of the term “setback” could create a problem given that both the bottom and top of the hill are referenced. The code does not currently require a setback from critical area buffers, so the proposal represents a new approach.

It was agreed that the word “buffer” should be used in the section and that the definition should be expanded or otherwise modified so that there is no requirement for undisturbed native vegetation, unless that is the function of the buffer.

Commissioner Parnell noted that the term “critical erosion hazard areas” was deleted from the definitions and asked why. Ms. Beam answered that under state law such areas are simply referred to as “erosion hazard areas,” and that term is included in the definitions section.

Commissioner Parnell raised the concept of requiring property owners to supply proof of landslide or erosion insurance prior to development within an area designated as critical. Chair Snodgrass allowed that all registered contractors must have public liability insurance.

Chair Snodgrass questioned the necessity of requiring a letter from a geotechnical engineer. He proposed that if a developer has a certification from an engineer or geologist the development is in compliance with health and safety laws relating to

geologically hazardous areas. Ms. Beam said when a geotechnical engineer submits a study, there is always information up front regarding their expertise and qualifications. She agreed that compliance with all applicable health and safety laws is typically something their reports address. Mr. Black agreed, adding that while the reports may not explicitly spell out that all health and safety laws have been addressed, the assumption can be made that such a finding was made. He agreed to run the issue past the city's engineering department to get their opinion.

Commissioner Allen questioned whether a geotechnical engineer is qualified to render a legal opinion.

Chair Snodgrass said as drafted it appears that an alternative design under the regulations must show that it is superior to the protections offered under the normally required designs. He proposed including the phrase "...creates equivalent or greater long-term slope stability...." Staff concurred with the suggestion.

Ms. Beam briefly reviewed with the Commissioners the next steps. The Commissioners were asked to provide their issues and map questions to staff ahead of time.

Commissioner Dunn asked staff if they have been hearing any negative comments from the public. Ms. Beam said she has heard from people with concerns similar to those expressed during the public hearing. She said the Redmond Chamber of Commerce has expressed some concerns. Microsoft has commented only in regard to the tree retention policies.

Commissioner McCarthy noted that something needs to be added to the first of the two new policies in order for them to make sense.

****BREAK****

STUDY SESSION

Grass Lawn Neighborhood Plan Update

Senior Planner Terry Shirk provided the Commissioners with an updated issues matrix. She called attention to the issue of multiplex housing on page 7 of the matrix and noted that the zoning designation matches the new designation. She observed that the main change was to Section 6 and the appropriate level of process to be required for triplex and fourplex developments. The CAC was very clear that they wanted to allow such developments as permitted uses, without conditional use, but with a public meeting. She recommended a Type II process with the addition of a public meeting.

Chair Snodgrass asked why triplex and fourplex developments should not be subject to the Type I process with a public meeting as is used for cottages. Ms. Shirk said Type I does not include public notice, and Type II does. Chair Snodgrass said his concern is not public notice but the appeal process. Ms. Shirk allowed that both Type I and Type II

have appeals to the hearing examiner. For Type I, the initial decision maker is the building official; for Type II the decision maker is the technical committee, there is a requirement for a SEPA checklist, and there is a 14-day comment period.

Answering a question asked by Commissioner Query, Ms. Shirk said the Type II process is less restrictive than the process in place for Willows/Rose Hill where use of a demonstration project process is required for triplex and fourplex developments.

The Commissioners were in agreement to make the change as proposed by staff.

Turning to Issue 23, Section 1A on page 8 of the issues matrix, Ms. Shirk noted that staff revised (b) in accord with the direction provided by the Commission. Policies N-GL-14 and NGL-15 were revised accordingly.

There was agreement to modify the discussion section in the matrix to describe the minority opinion to use “visually appealing” rather than “engaging streetscapes.”

Ms. Shirk called attention next to page 9 of the matrix and noted that the number referencing was changed in order to be sequential. With regard to Section 2A, she highlighted the changes that were made. There was agreement to have paragraph A-1 read “Establish building and site design that promotes variety and visual interest that is compatible with the character of the surrounding neighborhood.”

With regard to paragraph B-1, there was agreement to have it read “Provide variety and visual interest by using various combinations of building elements, features and treatments, and variation in site design elements in a manner that is compatible with the character of the surrounding neighborhood.”

Ms. Shirk said the CAC wanted to see regulations addressing tear-downs. The regulations for Willows include exemptions for expansions to single family homes in terms of variety and visual interest in building and site design. In some jurisdictions, tearing down all but one wall of a structure and rebuilding is considered an expansion, not a tear-down. In other jurisdictions, an entire new structure can be constructed around an existing structure, which can then be torn down, and it is considered a remodel and not an expansion. Ms. Shirk suggested addressing those issues by exempting expansions of single family homes that are less than 50 percent of the existing gross floor area; adding more than 50 percent would trigger the requirement to provide variety and visual interest. Single family homes would still be exempt from variety and site design.

Commenting on the exemptions language, Commissioner Query suggested that the intent does not come through with the paragraphs as proposed. She offered to email staff suggested language.

Chair Snodgrass proposed revising Policy N-GL-14 to read “...design single family dwellings and expansions thereto to maintain a visual interest....” Policy Planning

Manager Rob Odle suggested having it read "...significant expansions..." Chair Snodgrass concurred, allowing that 50 percent is the definition of significant.

Commissioner Querry pointed out that as proposed the owner of a 2000 square foot home, including the garage and basement, could add a 999 square foot expansion without triggering the visual interest requirements. Ms. Shirk allowed that porches are not included in the gross floor area calculations.

Commissioner Dunn disagreed with the notion of regulating expansions. She held that to do so is micromanaging.

Commissioner McCarthy noted that paragraph iv-a uses the word "expansions" whereas paragraph iv-b uses the word "additions." He suggested that the same word should be used in both paragraphs.

With regard to the exemptions on the next page, related to garage doors, Ms. Shirk noted that in paragraph (a) expansions of greater than 50 percent that do not include a garage would have to comply with the transition area requirements. In paragraph (b) expansions of greater than 50 percent that includes a garage must comply with the building orientation requirements and the garage door requirements. Paragraph (c) refers to expansions that include only a garage.

There was agreement that the paragraph (a) exemption would be clearer if it read "...and the expansion does not include a garage..." There was also agreement that paragraph (b) should read "...and the expansion includes a garage..."

Ms. Shirk noted that the section does not describe instances in which expansions are less than 50 percent. She proposed adding "When the expansion consists of a garage only, or a garage with an expansion that is less than 50 percent of the gross floor area..." and clarifying that the garage door section applies.

It was moved and seconded to extend the meeting a few minutes beyond 10:00 p.m. The motion carried by acclamation.

Moving to page 14 of the matrix, Ms. Shirk referred to the issue of building character and massing. She said the CAC had concerns associated with tear-downs and the like. In the opinion of staff, 25 percent is a better minimum threshold to use; even at that percentage, a very large amount of mass and bulk could be added to a structure if not appropriately designed.

With regard to the issue of open space raised by Commissioner McCarthy, Ms. Shirk said staff went back and reviewed the proposed regulations and took out what does not apply. The reference to open space was applicable to one of the regulations in Willows; it is not applicable to Grass Lawn and as such has been removed from the Grass Lawn regulations.

The Commission reviewed the changes made to the policies and regulations. Staff agreed to have a final draft included in the next Commission packet in time for final approval at the next meeting.

REPORTS

Ms. Peckol reported that the Council is continuing to discuss the budget. Perrigo is back on the Council's agenda for November 16.

SCHEDULING/TOPICS FOR NEXT MEETING(S)

ADJOURN

Chair Snodgrass adjourned the meeting at 10:19 p.m.

Minutes Approved On:

Recording Secretary:
